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	<b>CENTRAL INTELLIGENCE AGENCY</b>
	Office of Legislative Counsel Washington, D. C. 20505 Telephone: <span style="border: 1px solid black; display: inline-block; width: 150px; height: 1.2em; vertical-align: middle;"></span>
26 April 1978	
<b>TO:</b> Mr. Joel E. Bonner Senate Appropriations Committee 1245 Dirksen Senate Office Building	
<p>Pete,</p> <p>Enclosed is Section 7 of the CIA Act of 1949 which covers the provision you are interested in. Also enclosed is the brief legislative history applicable to this Section. In addition, I have included Section 11052 and also an unclassified memorandum on the subject. I hope this satisfies your purposes. Excuse the form but, as you know, I aint that neat.</p> <p>I would appreciate it if you would return the memorandum to me when you have finished with it.</p> <div style="border: 1px solid black; width: 150px; height: 50px; margin-left: 100px; margin-top: 20px;"></div>	

FORM 1533 OBSOLETE  
6-68 PREVIOUS EDITIONS

(40)

performance of the Agency's functions or to the security of its activities.<sup>35</sup>

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U.S.C.A.  
403g.

SEC. 6. In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 403(d)(3) of this title<sup>36</sup> that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, the Agency shall be exempted from the provisions of section 654 of Title 5,<sup>37</sup> and the provisions of any other law which require the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency: *Provided*, That in furtherance of this section, the Director of the Bureau of the Budget shall make no reports to the Congress in connection with the Agency under section 947(b) of Title 5.<sup>38</sup>

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U.S.C.A.  
403h.

SEC. 7. Whenever the Director, the Attorney General, and the Commissioner of Immigration shall determine that the entry of a particular alien into the United States for permanent residence is in the interest of national security or essential to the furtherance of the national intelligence mission, such alien and his immediate family shall be given entry into the United States for permanent residence without regard to their inadmissibility under the immigration or any other laws and regulations,<sup>39</sup> or to the failure to comply with such laws and regulations pertaining to admissibility: *Provided*, That the number of aliens and members of their immediate families entering the United States under the authority of this section shall in no case exceed one hundred persons in any one fiscal year.<sup>40</sup>

#### APPROPRIATIONS

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U.S.C.A.  
403j.

SEC. 8. (a) Notwithstanding any other provisions of law, sums made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out its functions,<sup>41</sup> including—

(1) personal services, including personal services without regard to limitations on types of persons to be employed, and rent at the seat of government and elsewhere; health-service programs as authorized by section 150 [now section 7901] of Title 5,<sup>42</sup> rental of news-reporting services; purchase or rental and operation of photographic, reproduction, cryptographic, duplication and printing machines, equipment and devices, and radio-receiving and radio-send-

III  
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<sup>28</sup> Section 947(b) directed the Bureau of the Budget to determine quarterly the number of full-time employees required by each department and agency "for the proper and efficient performances of the authorized functions of" the department or agency and provided that excess personnel were to be released. Such determinations by the Director of the Bureau of the Budget and the numbers of employees paid in violation of his orders were to be reported to Congress quarterly by the Director of the Bureau of the Budget. Section 947(b) has been repealed by section 301 of P.L. 81-784 (64 Stat. 832, September 12, 1950).

<sup>29</sup> The laws concerning admissibility are sections 211 et seq. of the Immigration and Nationality Act of 1952 (66 Stat. 163, P.L. 82-414, June 27, 1952), as amended, now codified at Title 8, Chapter 12, Subchapter II, Part II of the United States Code. The regulations concerning admissibility are those issued by the Attorney General and published at Title 8, Chapter 1, Subchapter B of the Code of Federal Regulations.

<sup>30</sup> A United States Court of Appeals has cited this section as indicating that Congress has recognized that "aliens within this country are sources of foreign intelligence" (*Heine v. Raus*, 399 F. 2d. 785, July 22, 1968). See Footnote 21, PART I.

<sup>31</sup> Section 8 is the permanent law which authorizes expenditures by CIA. Because the phrase "for purposes necessary to carry out its functions, including," is an inclusive concept, that language authorizes expenditures for purposes additional to those named in paragraphs (1) and (2) of subsection 8(a).

Among other purposes for which expenditures are authorized by section 8(a), that section is the authority for the employment and compensation of personnel. See in this connection the excerpt from the Classification Act of 1949 at page 114 of PART VI. A Comptroller General decision (31 Comp. Gen. 191, November 21, 1951, summarized at page 190 of PART VIII) has held that retroactive salary "increases by the Central Intelligence Agency are not 'necessary to carry out its functions' within the meaning of the said section 10 [now section 8] and therefore, would be subject to legal objection." But see a later decision upholding retroactive pay increases under circumstances which had not existed at the time of the 1951 opinion (44 Comp. Gen. 89, August 20, 1964) at page 198 of PART VIII.

The language of section 8(a)(1) was patterned, in part, on statutes making appropriations for the Office of Strategic Services.

<sup>32</sup> Section 7901 provides in part:

(a) The head of each agency of the Government of the United States may establish, within the limits of appropriations available, a health service program to promote and maintain the physical and mental fitness of employees under his jurisdiction.

<sup>33</sup> Section 14 of Title 6 authorizes the purchase, under certain circumstances and subject to certain requirements, of surety bonds covering civilian officers and employees and military personnel "who are required by law or administrative ruling to be bonded."

Leg. History

See.  
P. 1398

# CENTRAL INTELLIGENCE AGENCY ACT OF 1949

## PRESIDENT'S MESSAGE TRANSMITTING REORGANIZATION PLAN

The Senate amendment provided that the President, in his message transmitting a reorganization plan, should specify the reduction of expenditures (itemized so far as practicable) which would probably be brought about by the taking effect of the plan. This provision is included in the conference substitute.

WILLIAM L. DAWSON,  
CHET HOLIFIELD,  
JOHN W. McCORMACK,  
CLARE E. HOFFMAN,  
HAROLD O. LOVRE,

Managers on the Part of the House.

## CENTRAL INTELLIGENCE AGENCY ACT OF 1949

*For text of Act see p. 213*

Senate Report No. 106, Mar. 10, 1949 [To accompany H. R. 2663]

House Report No. 160, Feb. 24, 1949 [To accompany H. R. 2663]

The Senate Report repeats in substance the House Report.

*Senate Report No. 106*

THE Committee on Armed Services, to whom was referred the bill (H. R. 2663) to provide for the administration of the Central Intelligence Agency, established pursuant to section 102, National Security Act of 1947, and for other purposes, having considered the same report favorably thereon without amendment and recommend that the bill do pass.

### PURPOSE OF THE BILL

The purpose of the bill is to grant to the Central Intelligence Agency the authorities necessary for its proper administration. The bill deals with procurement, travel, allowances and related expenses, general authorities, and methods of expenditures of appropriated funds. Further, it protects the confidential nature of the Agency's functions and makes provisions for the overseas administration of the Agency.

### SECTION-BY-SECTION ANALYSIS

Section 1 comprises definitions of certain terms used in the act.

Section 2 provides for a seal of office. Intelligence records contain information that is sometimes required for official use either in other departments or as evidence in legal proceedings. Unless proper authentication of copies can be made, original documents would have to be produced.

Subsection 3 (a) provides for the extension to the Agency of certain provisions of the Armed Services Procurement Act of 1947 (Public Law

LEGISLATIVE HISTORY

413, 80th Cong.). These provisions authorize negotiation on purchases and contracts for supplies without advertising if—

There is a national emergency (sec. 2 (c) (1));

The public exigency will not admit a delay (sec. 2 (c) (2));

The aggregate amount does not exceed \$1,000 (sec. 2 (c) (3));

For personal or professional services (sec. 2 (c) (4));

For service to be rendered by universities, colleges, or other educational institutions (sec. 2 (c) (5));

Supplies or services are to be procured and used outside the United States (sec. 2 (c) (6));

For supplies or services for which it is impracticable to secure competition (sec. 2 (c) (10));

For supplies or services the nature of which should not be publicly disclosed (sec. 2 (c) (12));

For supplies when the bid prices after advertising are not reasonable or have not been independently arrived at (sec. 2 (c) (15)); and

For such procurement otherwise authorized by law (sec. 2 (c) (17)).

The remaining sections of Public Law 413 which are to be extended to the Agency set forth the rules for advertising, the type of contracts that can be made, provide for advance payments under certain circumstances, liquidating damages, and joint procurement.

Subsection 3 (b) defines "agency head" as the Director, Deputy Director, or Executive of the CIA in the same manner as it is defined in section 9 of Public Law 413 where "agency head" is construed to mean the Secretary, Under Secretary, or any Assistant Secretary of the armed services.

Subsection 3 (c) provides for the delegation of procurement authorities by the Agency head to other responsible officials of the Agency, in a manner similar to the provisions of section 10 of Public Law 413.

Subsection 3 (d) provides that certain procurement authorities contained in Public Law 413 shall be exercised only by the Agency head and shall not be delegable.

Section 4 permits the Director to provide for special instruction or training for Agency personnel. It further provides for the payment of tuition and expenses for Agency personnel on such assignments. This language is substantially that of sections 573 (b) and 705 of the Foreign Service Act of 1946.

Section 5 provides for travel, allowances, and related expenses for Agency personnel assigned to permanent-duty stations outside the United States. If employment in the Agency is to be regarded as a career service, the Agency has a problem similar to that faced by the Foreign Service in the assignment of personnel to duty abroad. Section 5 provides authorities similar to those granted in the Foreign Service Act of 1946 necessary to the development of an intelligence career staff. The language of section 5 corresponds substantially to corresponding sections of the Foreign Service Act of 1946.

**CENTRAL INTELLIGENCE AGENCY ACT OF 1949**

Subsection 5 (a) (1) (A) provides for the payment of travel expenses for employees, including travel to and from the United States on statutory leave, which expense otherwise must be borne by the employee.

Subsection 5 (a) (1) (B) provides for travel expenses for members of the family of an Agency employee while proceeding to or returning from his post of duty or accompanying him on authorized home leave, or otherwise traveling in accordance with the authority provided in the proposed legislation.

Subsection 5 (a) (1) (C) provides for the payment of transporting household belongings.

Subsection 5 (a) (1) (D) provides for the storage of furniture and household effects of an employee who is absent under orders from his usual post of duty or who is assigned to a post at which, because of emergency conditions, he cannot take or cannot use such effects.

Subsection 5 (a) (1) (E) provides for the cost of storing furniture and household and personal effects of an employee upon his first arrival at a post for a period not in excess of 3 months.

Subsection 5 (a) (1) (F) provides for travel expenses and transportation costs incident to the removal of an employee's family and personal effects during temporary periods due to dangerous conditions at his post of duty, and for the return of his family and personal effects upon the cessation of such conditions or to another post, if necessary.

Subsection 5 (a) (2) provides a means for obligating funds during the fiscal year when travel authorizations are issued and arrangements made for the transfer of employees, their dependents, and household effects, although travel has not actually been performed. This subsection will permit current funds to be set aside in a fiscal year even though actual expenditure takes place in a succeeding fiscal year.

Subsection 5 (a) (3) (A) authorizes the granting of statutory leave in the United States or its Territories and possessions after 2 years of foreign service.

Subsection 5 (a) (3) (B) provides that an employee while in this country on leave may be assigned to temporary duty in the United States for special purposes or reorientation prior to returning to foreign service.

Subsection 5 (a) (3) (C) provides for the granting of leaves to be exclusive of travel time and comparable delays.

Subsection 5 (a) (4) provides for the payment of shipping expenses for private automobiles.

Subsection 5 (a) (5) (A) (B) (C) and (D) provide for the health of full-time employees overseas by permitting the payment of travel expenses to the nearest adequate facilities when local medical facilities are inadequate, for the establishment of a first-aid station and a nurse at a post where the number of personnel warrants such a station, payment for cost of treatment of illness or injury incurred in line of duty overseas, and for physical examinations and payment of the cost of administering inoculations or vaccinations. (Secs. 941, 942 (a) and (b) and 943, Foreign Service Act).



## LEGISLATIVE HISTORY

Subsection 5 (a) (6) provides for the cost of preparing and transporting to their former homes in the United States the remains of an officer or employee and of the members of his family who may die abroad, and for the ordinary costs of interment. (Section 911 (8), Foreign Service Act.)

Subsection 5 (a) (7) provides for the costs of travel of new appointees and their dependents from their place of actual residence abroad to their place of employment by the Agency, and safeguards are added to provide for reimbursement to the United States if the employee does not remain with the Government for a minimum period of 12 months. This provision is included to permit the Agency to recruit foreign nationals abroad where American personnel is not available (particularly in the field of translation), and only experienced foreign national language experts are qualified to perform the required duties.

Subsection 5 (b) provides for allowances similar to those given to Foreign Service officers and employees, including living quarters allowance, cost-of-living allowances, extraordinary expenses and others. These allowances are controlled by regulations prescribed by the President. (Secs. 901 (1) and 901 (2), Foreign Service Act.)

Subsection 6 (a) provides for the annual financing of Agency operations without impairing security.

Subsection 6 (b) exempts the Agency from the provisions of existing law which prohibit exchange of funds by any disbursing officer other than exchange of gold, silver, United States notes, and national bank notes. This will permit Agency disbursing officers to exchange foreign funds for other foreign funds.

Subsection 6 (c) provides for the assignment of personnel of other Government agencies to the Agency and the reimbursement of these agencies for such services.

Subsection 6 (d) authorizes official Agency couriers to carry firearms when engaged in the transportation of documents and materials which affect the national security.

Subsection 6 (e) exempts the Agency from limitations which, under existing law, permit no more than 25 percent of the first year's rental for leased property to be spent on permanent improvements, and also further imposes a limitation of 15 percent of the fair market value of the property as a rental which may be paid. This will enable the Agency to spend funds for special installations in leased premises.

Section 7 exempts the Agency from the provisions of 5 United States Code 654, which require publication of personnel data in the Official Register of the United States. Section 7 also exempts the Bureau of the Budget from including in its public report to the Congress the Agency's personnel strength.

Section 8 provides that whenever the Director and the Attorney General determine that the entry of an alien for permanent residence into the United States is essential to the furtherance of the national intelligence mission, such alien and his immediate family shall be given entry into the United States without regard to such admissibility under existing laws and

NOW  
SEC. 7

CENTRAL INTELLIGENCE AGENCY ACT OF 1949

regulations. The section limits this authority to 100 persons in any one year. This section will permit the Director of the Agency, acting jointly with the Attorney General, to admit into this country aliens whose intelligence potential has proven of the highest value to the national security. The Committee on Armed Services considers that the purpose for which this section was drafted is of sufficient importance to the national intelligence mission to justify the granting of this authority.

In order to eliminate any question which might arise as to the authority of the Attorney General to deport such persons who might at a later date prove undesirable, words "pertaining to admissibility" are inserted after the word "regulations," as it appears in this section. This assures that the only provisions of law affected by this section are those regarding the admissibility of aliens. It does not apply to any provisions of law regarding the conduct of such individuals once they have gained entry into the United States. In addition, the word "persons" after the word "hundred" clarifies the intent that this figure includes not only the particular aliens, but also members of their immediate families.

Section 9 provides authorization for the establishment of three positions in the scientific and the professional service of the Agency. These three positions are established for the employment of outstanding men in the scientific field of foreign scientific intelligence. Similar legislation was passed by the Eightieth Congress for comparable positions in the National Military Establishment. The section establishes a salary minimum of \$10,000 and a maximum of \$15,000 per annum.

Subsection 10 (a) establishes a point of reference to which the administrative and fiscal officers of the Agency and other appropriate officers of the Government may look to determine what expenditures are authorized for the activities of the Agency. It permits sums made available to the Agency to be expended for the purposes set forth in the section. This section is necessary in view of the requirements of existing law or Comptroller General's decisions, which specify that such expenditures are not permissible unless authorized by law.

Subsection 10 (b) permits the Agency to expend sums made available to it without regard to provisions of law. It also permits the expenditure of funds for confidential purposes, to be accounted for solely by certification of the Director.

Sections 11 and 12 are the usual separability and short-title sections.

By letter to the chairman, Committee on Armed Services, the Director, Central Intelligence Agency, requested legislation similar to H. R. 2663, and later, on March 10, 1949, in an executive session of the committee, he concurred with this bill in its present form. His letter, dated February 11, 1949, in which this legislation was requested, is appended hereto, and is made a part of this report.



## LEGISLATIVE HISTORY

CENTRAL INTELLIGENCE AGENCY,  
Washington 25, D. C., February 11, 1949.

HON. MILLARD E. TYDINGS,  
Chairman, Committee on Armed Services,  
United States Senate, Washington 25, D. C.

DEAR MR. CHAIRMAN: There is submitted herewith the draft of a proposed bill to provide for the administration of the Central Intelligence Agency, established pursuant to section 102, National Security Act of 1947, and for other purposes.

This bill is substantially the same bill which was reported out unanimously as S. 2633 by the Senate Armed Services Committee in May 1948. It passed the Senate on June 21, 1948. Due to lack of time, this bill was not called up on the floor of the House, although it had been unanimously reported out of the House Armed Services Committee.

The purpose of the bill, as set forth in the Senate Armed Services Committee report of last year (Rept. No. 1302) is: "to grant to the Central Intelligence Agency the authorities necessary for its proper administration. The bill deals with procurement, travel, allowances and related expenses, general authorities, and methods of expenditures of appropriated funds. Further, it protects the confidential nature of the Agency's functions and makes provisions for the internal administration of the Agency. In almost all instances, the powers and authorities contained in the bill already exist for some other branch of the Government, and the bill merely extends similar authorities to the Central Intelligence Agency."

This proposed bill has been resubmitted to the Bureau of the Budget, and we have been advised that they have no objection to its presentation to the Congress in its present form.

Sincerely yours,

R. H. HILLENKOETTER,  
Rear Admiral, United States Navy,  
Director of Central Intelligence.

## DISTRICT OF COLUMBIA—DIVORCE AND MAINTENANCE— TEMPORARY AND PERMANENT MAINTENANCE

*For text of Act see p. 219*

Senate Report No. 142, March 23, 1949 [To accompany S. 1125]

House Report No. 737, June 7, 1949 [To accompany S. 1125]

The House Report repeats in substance the Senate Report.

*House Report No. 737*

THE Committee on the District of Columbia, to whom was referred the bill (S. 1125), to amend section 16-415 of the Code of Laws of the District of Columbia, to provide for the enforcement of court orders for the payment of temporary and permanent maintenance in the same manner as directed to enforce orders for permanent alimony, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of this bill is to provide that when a husband has failed or refused to maintain his wife and minor children the court may order the husband to pay as temporary maintenance, such sum as would be allowed as temporary alimony and the court would enforce the orders in the same manner as payment of permanent alimony is enforced. The court

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ADMISSION QUALIFICATIONS

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ous territory or adjacent islands, having arrived there on a vessel or aircraft of a nonsignatory line, or if signatory, a noncomplying transportation line under section 1228(a) of this title and who have not resided for at least two years subsequent to such arrival in such territory or adjacent islands;

(25) Aliens (other than aliens who have been lawfully admitted for permanent residence and who are returning from a temporary visit abroad) over sixteen years of age, physically capable of reading, who cannot read and understand some language or dialect;

(26) Any nonimmigrant who is not in possession of (A) a passport valid for a minimum period of six months from the date of the expiration of the initial period of his admission or contemplated initial period of stay authorizing him to return to the country from which he came or to proceed to and enter some other country during such period; and (B) at the time of application for admission a valid non-immigrant visa or border crossing identification card;

(27) Aliens who the consular officer or the Attorney General knows or has reason to believe seek to enter the United States solely, principally, or incidentally to engage in activities which would be prejudicial to the public interest, or endanger the welfare, safety, or security of the United States;

(28) Aliens who are, or at any time have been, members of any of the following classes:

(A) Aliens who are anarchists;

(B) Aliens who advocate or teach, or who are members of or affiliated with any organization that advocates or teaches, opposition to all organized government;

(C) Aliens who are members of or affiliated with (i) the Communist Party of the United States, (ii) any other totalitarian party of the United States, (iii) the Communist Political Association, (iv) the Communist or any other totalitarian party of any State of the United States, of any foreign state, or of any political or geographical subdivision of any foreign state, (v) any section, subsidiary, branch, affiliate, or subdivision of any such association or party, or (vi) the direct predecessors or successors of any such association or party, regardless of what name such group or organization may have used, may now bear, or may hereafter adopt: *Provided*, That nothing in this paragraph, or in any other provision of this chapter, shall be construed as declaring that the Communist Party does not advocate the overthrow of the Government of the United States by force, violence, or other unconstitutional means;

(D) Aliens not within any of the other provisions of this paragraph who advocate the economic, international, and gov-

SECTION 7<sup>187</sup> (formerly 8) OF  
CIA ACT OF 1949 SPEAKS  
TO THIS PROVISION - I.E. 8 USC 1182(A)(28)

## 8 § 1182

## IMMIGRATION

## Ch. 12

ernmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship, or who are members of or affiliated with any organization that advocates the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship, either through its own utterances or through any written or printed publications issued or published by or with the permission or consent of or under the authority of such organization or paid for by the funds of, or funds furnished by, such organization;

(E) Aliens not within any of the other provisions of this paragraph, who are members of or affiliated with any organization during the time it is registered or required to be registered under section 786 of Title 50, unless such aliens establish that they did not have knowledge or reason to believe at the time they became members of or affiliated with such an organization (and did not thereafter and prior to the date upon which such organization was so registered or so required to be registered have such knowledge or reason to believe) that such organization was a Communist organization;

(F) Aliens who advocate or teach or who are members of or affiliated with any organization that advocates or teaches (i) the overthrow by force, violence, or other unconstitutional means of the Government of the United States or of all forms of law; or (ii) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character; or (iii) the unlawful damage, injury, or destruction of property; or (iv) sabotage;

(G) Aliens who write or publish, or cause to be written or published, or who knowingly circulate, distribute, print, or display, or knowingly cause to be circulated, distributed, printed, published, or displayed, or who knowingly have in their possession for the purpose of circulation, publication, distribution, or display, any written or printed matter, advocating or teaching opposition to all organized government, or advocating or teaching (i) the overthrow by force, violence, or other unconstitutional means of the Government of the United States or of all forms of law; or (ii) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character; or (iii) the unlawful damage, injury, or destruction of property; or (iv)

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sabotage; or (v) the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship;

(H) Aliens who are members of or affiliated with any organization that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in subparagraph (G) of this paragraph;

(I) Any alien who is within any of the classes described in subparagraphs (B)-(H) of this paragraph because of membership in or affiliation with a party or organization or a section, subsidiary, branch, affiliate, or subdivision thereof, may, if not otherwise ineligible, be issued a visa if such alien establishes to the satisfaction of the consular officer when applying for a visa and the consular officer finds that (i) such membership or affiliation is or was involuntary, or is or was solely when under sixteen years of age, by operation of law, or for purposes of obtaining employment, food rations, or other essentials of living and where necessary for such purposes, or (ii) (a) since the termination of such membership or affiliation, such alien is and has been, for at least five years prior to the date of the application for a visa, actively opposed to the doctrine, program, principles, and ideology of such party or organization or the section, subsidiary, branch, or affiliate or subdivision thereof, and (b) the admission of such alien into the United States would be in the public interest. Any such alien to whom a visa has been issued under the provisions of this subparagraph may, if not otherwise inadmissible, be admitted into the United States if he shall establish to the satisfaction of the Attorney General when applying for admission to the United States and the Attorney General finds that (i) such membership or affiliation is or was involuntary, or is or was solely when under sixteen years of age, by operation of law, or for purposes of obtaining employment, food rations, or other essentials of living and when necessary for such purposes, or (ii) (a) since the termination of such membership or affiliation, such alien is and has been, for at least five years prior to the date of the application for admission actively opposed to the doctrine, program, principles, and ideology of such party or organization or the section, subsidiary, branch, or affiliate or subdivision thereof, and (b) the admission of such alien into the United States would be in the public interest. The Attorney General shall promptly make a detailed report to the Congress in the case of each alien who is or shall

be admitted into the United States under (ii) of this subparagraph;

(29) Aliens with respect to whom the consular officer or the Attorney General knows or has reasonable ground to believe probably would, after entry, (A) engage in activities which would be prohibited by the laws of the United States relating to espionage, sabotage, public disorder, or in other activity subversive to the national security, (B) engage in any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States, by force, violence, or other unconstitutional means, or (C) join, affiliate with, or participate in the activities of any organization which is registered or required to be registered under section 786 of Title 50;

(30) Any alien accompanying another alien ordered to be excluded and deported and certified to be helpless from sickness or mental or physical disability or infancy pursuant to section 1227(e) of this title, whose protection or guardianship is required by the alien ordered excluded and deported;

(31) Any alien who at any time shall have, knowingly and for gain, encouraged, induced, assisted, abetted, or aided any other alien to enter or to try to enter the United States in violation of law.

**Nonapplicability of subsection (a) (25)**

(b) The provisions of paragraph (25) of subsection (a) of this section shall not be applicable to any alien who (1) is the parent, grandparent, spouse, daughter, or son of an admissible alien, or any alien lawfully admitted for permanent residence, or any citizen of the United States, if accompanying such admissible alien, or coming to join such citizen or alien lawfully admitted, and if otherwise admissible, or (2) proves that he is seeking admission to the United States to avoid religious persecution in the country of his last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against such alien or any group to which he belongs because of his religious faith. For the purpose of ascertaining whether an alien can read under paragraph (25) of subsection (a) of this section, the consular officers and immigration officers shall be furnished with slips of uniform size, prepared under direction of the Attorney General, each containing not less than thirty nor more than forty words in ordinary use, printed in plainly legible type, in one of the various languages or dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made and shall be required to read and understand the words printed on the slip in such language or dialect.



IMMIGRATION AND NATIONALITY ACT

C. Immoral persons

The language of existing law providing for the exclusion of the immoral class of aliens is made more specific in the bill to the end that aliens will be excluded who seek to enter the United States to engage solely, principally, or incidentally in prostitution, or who have attempted to procure or import or have procured persons for prostitution, or who have been supported by or received the proceeds of prostitution.

D. Stowaways

Stowaways are excluded absolutely, whereas, at present, the Attorney General has discretionary authority to admit stowaways.

E. Illiterates

The bill revises the illiteracy exclusion clause of existing law so as to cause the exclusion of those aliens over 16 years of age, physically capable of reading, who cannot understand, as well as read, some language or dialect. There is an exception provided in the case of aliens lawfully admitted for permanent residence who are returning from a temporary visit abroad.

F. Subversives

Paragraphs (27) (28) and (29) of section 212(a) incorporate the provisions of section 1 of the act of October 16, 1918, as amended by section 22 of the Subversive Activities Control Act of 1950, relating to the exclusion of subversives. One noteworthy change has been made in the approach to the exclusion of aliens who were members of, or affiliated with, the Communist Party, the Communist Political Association, and other totalitarian parties or any other organization that advocates certain subversive doctrines. Public Law 14 of the Eighty-second Congress authorized and directed the Attorney General to provide by regulations that the terms "members of" and "affiliated with" where used in the act of October 16, 1918, as amended, shall include only membership which is, or was, voluntary, and shall not include membership or affiliation which is, or was, solely (a) when under 16 years of age, (b) by operation of law, or (c) for purposes of obtaining employment, food rations, or other essentials of living where necessary for such purposes. In subparagraph (1) of paragraph (28) of section 212(a) the provisions of said Public Law 14 are incorporated so that they will be part of the immigration laws. The bill further contains a provision whereby aliens who were, in the past, voluntary members or affiliates of the proscribed subversive organizations but who have completely defected therefrom may under certain conditions be admitted. Exemption is made from certain of the exclusion provisions in cases in which the consular officer or the Attorney General, as the case may be, finds that the alien's membership or affiliation has ceased; that he has, for the past 5 years, been actively opposed to the doctrine, program, principles, and ideology of the subversive organization of which he was a member or affiliate; and that the issuance of the visa and the

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admission of the alien would be in the public interest. Past membership in or affiliation with a subversive organization, therefore, even where voluntary, is not an absolute bar to admission if the alien adequately demonstrates his redemption within the strict confines of the exception.

#### G. Additional exclusion clauses

In addition to modifying certain of the exclusion clauses in existing law, the bill creates new classes of excludable aliens, as follows:

(1) Those aliens convicted of two or more offenses whether or not involving moral turpitude, if the aggregate sentence to confinement actually imposed was 5 years or more (par. 10 of sec. 212(a));

(2) Aliens coming to the United States to engage in any immoral sexual act. This provision is designed to express clearly that if an alien intends to perform an illicit sexual act after entry, regardless of the other reasons motivating his entry, he is to be excluded (par. 13 of sec. 212(a));

(3) Aliens who have practiced fraud or willfully misrepresented a material fact, in procuring certain documents or in seeking to enter the United States. An important proviso appears in this connection in paragraph 19 of section 212(a), giving the Attorney General the power to admit the alien if he finds that such misrepresentation has not been material to the issue in the proceedings involved.

The inclusion of the above-mentioned proviso was prompted by the existence of cases involving certain recent European immigrants who in fear of repatriation under duress or compulsion have misrepresented their place of birth, or personal data. The committee believes that where such misrepresentation had no bearing on the material issues involved, it should be regarded as an act of self-preservation and should not serve as a basis for exclusion (par. 19 of sec. 212(2));

(4) Aliens who have been issued immigrant visas without compliance with those provisions of the bill relating to the allocation of quota numbers on a selective basis (par. 21 of sec. 212(2));

(5) Aliens who are narcotic law violators, or illicit traffickers in narcotic drugs. The list of narcotic drugs includes "isonipeaine or any addiction-forming or addiction-sustaining opiate." This addition broadens the exclusion provision to include violators of the laws relating to the illicit trafficking in synthetic narcotic drugs. "Isonipeaine" is included in the definition of a narcotic drug as used in the Narcotic Drugs Import and Export Act (sec. 171 of title 21, U.S.C.), and the chemical formula of that drug is set forth in the definition. The term "opiate" is also included in that definition and is described as having the same meaning as defined in section 3228(f) of title 26, United States Code. Certain synthetic drugs as they are developed may thus be classified as addiction-forming or addiction-sustaining opiates within the meaning of the provisions of the bill relating to the exclusion of narcotic law violators or illicit traffickers in narcotic drugs (par. 23 of sec. 212(a));

(6) Smugglers of aliens (par. 31 of sec. 212(a)).

SUBJECT : Public Law 110, Section 8; (now 57)  
Internal Security and Sponsorship Responsibilities  
of CIA

SYNOPSIS

Neither Section 8 of the CIA Act of 1949, which grants the Director extraordinary authority to approve the entry into the United States of 100 aliens per year, nor any other legislation places upon the Agency any duty to insure that such aliens do not endanger the internal security of the United States or any responsibility to insure that they do not become public charges. The Agency has assumed such responsibilities for these aliens within the limits allowed by law, and insofar as insuring that they shall not become public charges the Director stated in a letter to the Attorney General in September 1949 that we would guarantee that such aliens would not become public charges prior to obtaining United States citizenship.

By the terms of the National Security Act of 1947, this Agency is prohibited from exercising any internal security functions. The Director of the Federal Bureau of Investigation has not been able to agree that our responsibility in this field extends only to observing the alien and reporting any dangerous activities to the FBI for appropriate police action. Nevertheless other laws and directives concerned with the internal security of the United States place this responsibility upon the Department of Justice. The Attorney General and the Director of the FBI have never questioned the responsibility of the Department of Justice to see that aliens admitted under other laws do not endanger the internal security of the United States. The Internal Security Act of 1950, both Title I, the "Subversive Activities Control Act", and Title II, the "Emergency Detention Act", assign all police functions to the Department of Justice. National Security Council Intelligence Directives concerned with the exploitation of defectors and other aliens in the United States state that internal security problems will remain the responsibility of the FBI even though the Central Intelligence Agency has assumed the responsibility for the maintenance and custody of the alien.

The guarantee given by the Director to the Attorney General that aliens sponsored by CIA for admission under Section 8 will not become public charges prior to attaining citizenship is much more extensive than that required of sponsors of aliens admitted under other laws. The obligation placed upon a sponsor of an alien admitted under the Relief Act or the Immigration and Naturalization Act is considered by the Department of State to be more in the nature of a moral rather than a legal obligation. If the sponsor in good faith obtains employment for the alien, but the latter for reasons of his own refuses to continue

in it, or accept other suitable work, no attempt is made to hold the sponsor liable. The Agency guarantee against the alien becoming a public charge is without limit if the alien fails to become a citizen and thus can require sponsorship over the lifetime of the alien.

1. Section 8 of the CIA Act of 1949 grants the Director the extraordinary authority to approve the entry into the United States, without regard to other laws concerning admissibility, of 100 aliens per year (Reference A). However, neither the Act nor its legislative history write into law or show Congressional intent that the grant of this extraordinary authority should carry with it unusual internal security or sponsorship responsibilities. The Agency has assumed certain sponsorship responsibility, but the exact nature of our responsibility remains unsettled. There are two basic questions to be answered:

(a) What responsibility does CIA have to insure that aliens brought into this country under Section 8 of the Act do not endanger the internal security of the United States?

(b) In sponsoring aliens for entry under the Act, what is the extent of the CIA responsibility for insuring that these aliens shall not become public charges?

2. As far as the first question relating to internal security functions is concerned there is no clear cut statement of law, either in the Act or elsewhere, placing internal security responsibilities upon the Agency. Section 8 merely grants the extraordinary authority for the admission of aliens. It grants CIA no responsibility or authority in regard to internal security functions. On the other hand, Section 102(d)(3) of the National Security Act of 1947 specifically provides, "That the Agency shall have no police, subpoena, law-enforcement powers or internal security functions" (Reference B). If CIA were to attempt to take all possible measures to insure that aliens brought into this country under Section 8 would not endanger the national security it would run the risk of acting in violation of this specific prohibition. The Agency position on this point has been stated several times by the Director in letters to the Attorney General and the Commissioner of Immigration and Naturalization (See References C, D and E). Nevertheless the Director of the FBI has been unwilling or unable to arrive at this same conclusion as to the Agency's responsibility in the internal security field with regard to these aliens. Referring to a letter from the Director of CIA to the Commissioner of Immigration and Naturalization on 28 November 1949, (Reference D) which restated the Agency's position, the Director of the FBI wrote to the Commissioner of Immigration and Naturalization that, "It is felt that the CIA should take all precautions to insure that the aliens brought into this country do not endanger the internal security of the United States and these precautions should not be limited to mere observation

as was noted by the CIA letter, but should be commensurate with the particular case at hand" (Reference F). Regardless of the position of the Director of the FBI and in spite of the fact that there is no provision in Section 8 of the Act delegating to any particular Agency the internal security functions in regard to these aliens, the sum and substance of other legislation and directives would seem to indicate quite clearly that the basic internal security responsibility lies with the Department of Justice. In addition to the prohibition against internal security powers for the Agency contained in the National Security Act of 1947, there are many provisions set out in other laws relating to aliens in the United States which consistently place this responsibility on the Attorney General. In the Internal Security Act of 1950, both Title I, the "Subversive Activities Control Act" and Title II, the "Emergency Detention Act", put all police functions in the Department of Justice. National Security Council Intelligence Directives Nos. 13 and 14 which are concerned with the exploitation of defectors for intelligence purposes place responsibility for maintenance, custody, final disposal and rehabilitation in the CIA, but also direct that the CIA will notify the FBI of information it obtains relating to internal security problems and that internal security problems will remain the responsibility of the FBI.

Provisions of law prohibiting the Agency from exercising any internal security functions and laws and directives placing internal security functions in regard to aliens and otherwise in the FBI, are at variance with the position of the Director of the FBI that the CIA should take all precautions to insure that aliens brought in under Section 8 do not endanger the internal security, at least insofar as such precautions would have to take the form of police functions.

3. The second question arising with regard to aliens granted entry under Section 8 of Public Law 110 is that stated in paragraph 1-b, "In sponsoring aliens for entry under the Act, what is the extent of the responsibility assumed by CIA insuring that these aliens shall not become public charges?"

The other laws providing for the entry of aliens are the Immigration and Naturalization Act of 1952 and the Refugee Relief Act of 1953. These laws as well as Section 8 of the CIA Act are silent as to the exact extent of the responsibility assumed by sponsors of aliens admitted to the United States. Only the Refugee Relief Act makes specific provision for sponsorship of aliens. By Section 7 of that Act a citizen of the United States must give satisfactory assurance that an alien will be suitably employed without displacing some other person from employment and that such alien and the members of his family accompanying him will not become public charges and will have housing without displacing some other person from such housing. The law makes no provision that this assurance shall be binding upon the sponsor for a certain number of years. The Office of the Administrator of the Refugee Relief Act in the Department of State was queried as to the interpretation placed upon

the requirement that an alien be sponsored by an individual who must give assurance that such alien will not become a public charge. Mr. Callendar of the Administrator's Office stated that no definitive interpretation has been made insofar as the extent of this assurance is concerned. He said that the sponsorship assurance required in Refugee Act cases is really only a moral obligation and not legally enforceable. That is, if a sponsor does supply suitable employment for the alien, but the latter leaves such employment and does not elect to seek work or to work in some other job which is offered to him, the sponsor is deemed to have fulfilled his obligation to assure that the alien will not become a public charge. If the alien does become a public charge, in spite of the honest effort of the sponsor, no liability is placed upon the sponsor. In cases of aliens admitted under the Immigration and Naturalization Act, sponsorship is not required but may be accepted by the Department of State in case the alien can offer no other satisfactory assurance that he will not become a public charge. In any case the obligation placed upon the sponsor is the same. Actually there is little problem of such aliens becoming public charges since there are almost always organizations endorsing individual sponsorship and these organizations have such an interest in the continuing entry of aliens that they are willing to see to it that such aliens do not become public charges even though this involves some cost to the endorsing organization over an indefinite number of years.

Inasmuch as neither the CIA Act nor the Immigration and Naturalization Act provide in their language for sponsorship of aliens, it would seem that the interpretation of any sponsorship requirement of aliens brought in under Section 8 could be parallel to the interpretation placed upon sponsorship under the Immigration and Naturalization Act. In that case the liability upon the sponsor under Section 8 would be no greater than it has been upon the sponsors under the Refugee Relief Act and the Immigration and Naturalization Act. Unfortunately those acts do not give us a firm unit of measure for sponsorship requirements, but they do provide an indication that sponsorship guarantees are not expected to continue indefinitely, but can be subject to termination after a reasonable time and after genuine effort has been put forth by the sponsor to resettle the alien. We have entered a unilateral agreement of sorts through a letter to the Attorney General from the Director on 8 September 1949 (Reference C). In that letter the Director stated that "Upon such termination of services, we guarantee that he shall not become a public charge prior to his obtaining United States citizenship." Inasmuch as application for citizenship is a voluntary matter and there is no certainty that every alien admitted under Section 8 will eventually become a citizen, we have, by this statement in the Director's letter guaranteed that the alien will not become a public charge for at least 5 years after his admission and for as long as he lives if for some reason he remains in the United States but does not become a citizen. This guarantee is more than is required of individual sponsors under other laws and would be more extensive even if it were limited to the length of time the alien must wait to attain citizenship, without regard to whether or not he actually became a citizen at the end of the waiting period.

Letter from Director of Central Intelligence to Commissioner,  
Immigration and Naturalization, Dated 28 November 1949

"Since this Agency is prohibited by law from exercising internal security functions, we feel that our responsibilities in that connection consist of observing the alien through such methods as are available to us and reporting to the appropriate authorities immediately if there is developed any evidence that the alien might endanger the internal security of the United States."



Letter from Director of Central Intelligence to Deputy  
Commissioner, Immigration and Naturalization, Dated  
20 January 1950

"In complying with the provisions of law which state that this Agency shall have no police, subpoena, law-enforcement powers or internal security functions, we feel that our capabilities are limited to observing the alien through such methods as are available to us. However, as stated before, we propose to advise the Department of Justice at any time when information is received by this Agency indicating the possibility that an alien might become a danger to the national security. In such event, this Agency would request the advice and assistance of those departments of the Government which are charged with the responsibility of safeguarding the internal security of the United States. It is hoped that in the event such agencies become aware of possible danger to the internal security that this Agency would be notified immediately in order that it could take whatever action was deemed necessary."

Letter from Director of Federal Bureau of Investigation to Acting Commissioner, Immigration and Naturalization, Dated 20 December 1949

"It is recognized that the Central Intelligence Agency has a primary interest in those aliens who are brought into this country under the law (S 8, Public Law 110) by virtue of its jurisdiction in the field of foreign intelligence and that the Federal Bureau of Investigation has a similar interest in them by virtue of its jurisdiction in the field of domestic intelligence. It is felt that the Central Intelligence Agency should take all precautions to insure that the aliens brought into this country do not endanger the internal security of the United States and these precautions should not be limited to mere observation as was noted by the Central Intelligence Agency letter, but should be commensurate with the particular case at hand."